

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO: 2440 of 2006

Dated:10.02.2006

Between:

E.Ramu, S/o Mallaiah

..... PETITIONER

AND

1 The APSRTC, repled by its Managing
Director, Musheerabad, Hyderabad-20 and
three others.

.....RESPONDENTS

ORDER:

This writ petition is filed questioning the show cause notice, dated 30.01.2006, issued by the Deputy Manager, APSRTC, Rayachoti, Kadapa District, for removing the petitioner from service.

After receipt of a complaint that the petitioner was not having a genuine driving licence etc, disciplinary proceedings were initiated against him as per the Regulations applicable to the employees of APSRTC. After conducting necessary enquiry, on the ground that the enquiry revealed that the charges framed against the petitioner-delinquent employee were proved, the impugned show cause notice was issued to show why the proposed punishment of removal from service should not be inflicted on the petitioner.

Basically, this writ petition is filed on two grounds. Firstly, that the Additional Licencing Authority, Kadapa, on 01.03.2005, as per the

records, has certified that the driving licence of the petitioner is genuine and secondly, that though the driving licences of some other employees were also found to be not genuine, no action is being taken against them by the respondents. Both the grounds are no grounds to interfere with the impugned proceedings at this stage. Once an enquiry is conducted in disciplinary proceedings, the authorities can proceed with as per the enquiry report conducted in the proceedings. Merely, because the Additional Licencing Authority, Kadapa, has certified at one point of time that the licence of the petitioner is genuine, the same is not a ground to interdict the proceedings at this stage. Even with regard to the other ground namely that against some other employees whose driving licences were found to be not genuine, no action has been taken in similar such circumstances, it is for the respondents to proceed in the disciplinary proceedings against those employees having regard to the out come of the enquiry and the gravity of the charges etc. Even that ground cannot be a ground to interdict the proceedings. Whatever objections the petitioner wants to raise, it is open for him to raise the same by responding to the show cause notice, but the same cannot be a ground to interfere with the matter in this writ petition, filed under Article-226 of the Constitution of India.

I do not find any merits in the writ petition and the same is accordingly dismissed. But, however, it is made clear that it is open for the petitioner to take all such objections open for him under law in response to the show cause notice, dated 30.01.2006. There shall be no order as to costs.

_____ R.SUBHASH REDDY, J

10.02.2006

DR